

HOUSE BILL 290

By Kumar

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 71, relative to a TennCare advisory commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-143, is amended by deleting the section in its entirety and substituting instead the following:

(a) On July 1, 2017, there is reestablished in the department of finance and administration a TennCare advisory commission. The advisory commission will be separate and distinct from the bureau of TennCare but will be allowed access to all data concerning the operations, management, and program functions of the TennCare program, including information relevant to the TennCare program held or maintained by other state agencies. In accordance with 45 CFR 160.101 et seq., members of the advisory commission will provide nonpaid consulting services to the bureau of TennCare and may have access to protected health information to the extent necessary to perform their advisory function.

(b)

(1) The advisory commission shall be composed in accordance with this subsection (b). Members shall be appointed by the speaker of the house of representatives and the speaker of the senate. The advisory commission is composed of fifteen (15) members who should reflect the broad impact that the TennCare program has on the state of Tennessee.

(2) The membership of the advisory commission includes:

(A) One (1) member of the health and welfare committee of the senate appointed by the speaker of the senate, or a designee of that member;

(B) One (1) member of the senate appointed by the speaker of the senate, or a designee of that member;

(C) One (1) member of the health committee of the house of representatives appointed by the speaker of the house of representatives, or a designee of that member;

(D) One (1) member of the house of representatives appointed by the speaker of the house of representatives, or a designee of that member;

(E) One (1) member representing hospitals appointed by the speaker of the senate;

(F) One (1) member representing hospitals appointed by the speaker of the house of representatives;

(G) One (1) member representing physicians appointed by the speaker of the senate;

(H) One (1) member representing physicians appointed by the speaker of the house of representatives;

(I) One (1) member representing nursing homes appointed by the speaker of the senate;

(J) One (1) member representing nursing homes appointed by the speaker of the house of representatives;

(K) One (1) member representing providers of home and community-based services appointed by the speaker of the senate;

(L) One (1) member representing providers of home and community-based services appointed by the speaker of the house of representatives;

(M) One (1) member representing providers of behavioral health services appointed by the speaker of the senate;

(N) One (1) member representing providers of behavioral health services appointed by the speaker of the house of representatives; and

(O) One (1) member representing the advocacy community to be jointly appointed by the speaker of the senate and the speaker of the house of representatives.

(3) In making the appointments, the speakers shall strive to ensure that the advisory commission's membership is representative of the state's geographic and demographic composition with appropriate attention to the representation of women and minorities. Except for initial appointments, members shall be appointed to three-year terms. The members of the advisory commission shall elect a chair and vice-chair of the commission from the membership of the commission who shall serve one-year terms as chair and vice-chair.

(4) In making the initial appointments under subdivision (b)(3), the following terms shall apply:

(A) The speaker of the senate shall appoint to the term ending June 30, 2018, the member appointed under subdivisions (b)(2)(A), (B), and (E);

(B) The speaker of the house of representatives shall appoint to the term ending June 30, 2018, the member appointed under subdivisions (b)(2)(C), (D), and (F);

(C) The speaker of the senate shall appoint to the term ending June 30, 2019, the member appointed under subdivisions (b)(2)(G), (I), and (K);

(D) The speaker of the house of representatives shall appoint to the term ending June 30, 2019, the member appointed under subdivisions (b)(2)(H), (J), and (L);

(E) The speaker of the senate shall appoint to the term ending June 30, 2020, the member appointed under subdivision (b)(2)(M); and

(F) The speaker of the house of representatives shall appoint to the term ending June 30, 2020, the member appointed under subdivision (b)(2)(N); and

(G) The initial joint appointment of the member representing the advocacy community under subdivision (b)(2)(O) shall serve until June 30, 2018.

(5) In the case of a vacancy, a member shall be appointed to fill out the unexpired term of that commission appointment.

(c)

(1) The purpose of the commission is to review annually the health care operations including, but not limited to, cost-management analysis, benefits, enrollment, eligibility, costs, and performance of the TennCare program and to make recommendations to the governor regarding cost-containment strategies and cost-effective program improvements. Review of the TennCare program

shall also include the holding of public hearings on any proposed amendment to any federal waiver governing the provision of medical assistance under this title, and attention to behavioral health services and the Long Term Care Community Choices Act of 2008, compiled in title 71, chapter 5, part 14.

(2) Recommendations by the commission are to include an assessment of the effectiveness of the existing TennCare program, specific steps that could be taken to reduce program costs, and an evaluation of whether the program is optimizing its use of resources to best meet the needs of TennCare enrollees. Proposed modifications submitted by the commission that may result in increased program expenditures should be accompanied by recommendations to achieve commensurate savings in other program areas in order to achieve overall management of program costs. The commission shall present its recommendations in writing to the governor and the general assembly no later than November 10 of each year.

(3) The commission is authorized to appoint subcommittees to study specific topics.

(4) The bureau of TennCare shall provide to the commission copies of any reports made by a consultant to the bureau on any aspect of the TennCare program, including quality issues.

(5) No amendment to any federal waiver governing the provision of medical assistance under this title may be submitted to any agency of the federal government unless the commission has been afforded at least thirty (30) days in which to hold a public hearing on the proposed waiver before submission of the waiver. Any waiver failing to receive the opportunity to hold such public hearing

before submission to an agency of the federal government shall be void and of no effect.

(d) Subject to an appropriation set forth in the general appropriations act, the commission will have the power to engage expert assistance in accordance with the state procurement processes. The department of finance and administration will provide the commission with appropriate staff and assistance.

(e) Members of the advisory commission shall maintain strict standards of confidentiality in the handling of all matters before the commission in accordance with federal and state law. All material and information, regardless of form, medium, or method of communication, provided to or acquired by a member or the commission staff in the course of the commission's work, shall be regarded as confidential information and shall not be disclosed and are deemed not to be a public record. In addition, all material and information, regardless of form, medium, or method of communication, made or generated by a member or the commission staff in the course of the commission's work, shall be regarded as confidential information and shall not be disclosed and are not public records. All necessary steps shall be taken by members and staff to safeguard the confidentiality of such material or information in conformance with federal and state law.

(f) Items or matters discussed by the commission may from time to time present real or apparent conflicts for members of the commission. Due to the importance of the commission's work and the advisory nature of its recommendations, in the event that a matter being considered by the commission presents a real or apparent conflict of interest, the affected member of the commission shall disclose the conflict to the chair but shall be allowed to discuss and take official action on the particular matter. The professional backgrounds of each member of the advisory commission as well as any

conflicts disclosed by a member to the chair during a given year shall be reported in the commission's recommendations as set forth in subsection (c).

(g) Members shall receive no compensation for their services on the commission but may be reimbursed for those expenses allowed by the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 2. Tennessee Code Annotated, Section 4-29-240(a), is amended by adding the following as a new subdivision to be appropriately designated:

( ) TennCare advisory commission, created by § 71-5-143;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.